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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,999

12/21/2004

Scott Allan Kendall

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

12/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,999

Applicant(s)

KENDALL ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The Examiner relies upon newly cited U.S. 6,54,3051 to Manson which teaches national emergency codes which are displayed by default.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al (USPN 5,565,909) in view U.S. 6,54,3051 to Manson.

Regarding claim 1, Thibadeau discloses a method for controlling a television signal receiver (see col. 3, lines 42-45) having an emergency alert function (see col. 4, lines 4-8). Thibadeau also discloses receiving an input representing a geographical area; and processing a masked list of emergency events responsive to the input, wherein the masked list of emergency events represents a subset of all emergency events associated with the emergency alert function (see col. 4, lines 39-56).

Thidadeau however, fails to teach setting the masked events for default notification and excluding masked events associated with the input geographical area.

Manson discloses an emergency alert system which includes national events which do not require a geographic code (column 5, line 65-column 6, line 2, all counties, column 7, lines 30-35, national messages corresponding to an event code and not a national code) and the messages can be converted into a format so they are forced to be displayed to the user (column 4, lines 17-22), ensuring that a user would see an important message. The Examiner notes that, it is well known in the art that national messages are rare events which would be of extreme urgency to a user, such as outbreaks of war, pandemics etc.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Thibadeau to utilize the national events and default codes as taught by Manson for the advantages of ensuring that users see important national events which are important for maintaining the health and safety of the user.

Regarding claim 2, Thibadeau discloses a method for controlling a television signal receiver having an emergency alert function as described above in claim 1. However, Thibadeau does not disclose that the geographical area is represented by a Federal Information Processing System (FIPS) location code.

Manson teaches representing the geographical area by a FIPS location code (see col.6, lines 3-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a FIPS location code to represent the geographical area for

the advantage of specifying the identification code of each geographical area that is to receive the emergency event in accordance with standards or codes that are defined by the Federal Communications Commission (FCC).

Regarding claim 7, see lack of inventive step claim 2, respectively.

Regarding claims 9 and 14, the claims are rejected based on similar grounds as the rejection of claims 2 and 7, respectively.

Regarding claims 16 and 21, the claims are rejected based on similar grounds as the rejection of claims 2 and 7, respectively.

Regarding claim 3, Thibadeau discloses enabling a user to select an emergency event from the masked list of emergency events (see col. 4, lines 46-56).

Regarding claim 4, Thibadeau discloses receiving emergency alert signals indicating an occurrence of the selected emergency event (see col. 4, lines 4-8 and 46-56); and providing an alert output responsive to the emergency alert signals (see col. 4, lines 51-56 and col. 11, line 64 - col. 12, line 2).

Regarding claim 5, Thibadeau discloses receiving emergency alert signals indicating an occurrence of an emergency event not included in the masked list of emergency events

(col. 4, lines 33-38 and lines 50-56); and providing an alert output responsive to the emergency alert signals (see col. 4, lines 51-56 and col. 11, line 64 - col. 12, line 2).

Regarding claim 6, Thibadeau discloses the received input represents a plurality of geographical areas; each of the geographical areas includes at least one masked event; and the masked list of emergency events excludes the masked events common to all of the geographical areas (see col. 4, lines 33-38 and 46-56, and col. 6, lines 10-13).

Regarding claims 8 and 10-13, the claims are rejected based on similar grounds as the rejection of claims 1 and 3-6, respectively.

Regarding claims 15 and 17-20, the claims are rejected based on similar grounds as the rejection of claims 1 and 3-6, respectively. Further, Manson discloses an emergency alert system which includes national events which do not require a geographic code (column 5, line 65-column 6, line 2, all counties, column 7, lines 30-35, national messages corresponding to an event code and not a national code).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

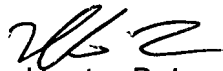
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Hunter B. Lonsberry
Primary Examiner
Art Unit 2623

HBL